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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,161	08/01/2003	Alan David Brunelle	200308314-2	5414

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EXAMINER
CHU, GABRIEL L.

ART UNIT	PAPER NUMBER
2114	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/633,161	BRUNELLE ET AL.
	Examiner	Art Unit	
	Gabriel L. Chu	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*01 August 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*01 August 2003*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20030801</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims objected to because of the following informalities:

Referring to claims 1, 7, 12, "the computer" is understood to refer to "a computer

of the plurality of computers.

Referring to claim 4, "a register routine which registers a computer with a storage

device by storing in the storage device a computer identifier associated with a reserved

access type in the storage device and upon detection of loss of knowledge of the stored

computer identifier in the shared device by the registered computer replaces the

identifier for the registered computer stored in the shared storage device with a new

identifier for the registered computer" is unclear through a lack of commas. It is more

clearly understood as "a register routine which registers a computer with a storage

device by storing in the storage device a computer identifier associated with a reserved

access type in the storage device, and upon detection of loss of knowledge of the

stored computer identifier in the shared device by the registered computer, replaces the

identifier for the registered computer stored in the shared storage device with a new

identifier for the registered computer".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

3.   Claim 12 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. It is not clear what "the

computer" is intended to refer to.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
5.   **Claims 1-12 of the instant application (herein 161) rejected on the ground of**

nonstatutory obviousness-type double patenting as being unpatentable over

claims 1, 6, 11 of U.S. Patent No. 6654902 (herein 902). Although the conflicting

claims are not identical, they are not patentably distinct from each other.

6.   As an exemplary rejection, the limitations of claim 1/161 are nearly verbatim the

first two limitations of claim 1/902. Examiner further notes that claim 11/902 is a means

plus function claim interpreted in view of USC 112 paragraph 6.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-12 rejected under 35 U.S.C. 102(e) as being anticipated by US

6260120 to Blumenau et al.

9.   Referring to claim 1, 4, 7, 12, Blumenau discloses registering the computer with

the storage device by storing in the storage device a computer identifier associated with

a reserved access type in the storage device; and upon loss of a knowledge of the

stored identifier in the shared storage device by the registered computer, replacing the

identifier for the registered computer stored in the shared storage device with a new

identifier for the registered computer (From line 16 of column 15, "The volume group

names and the volumes in each volume list are defined by the system administrator.

The host controller port WWNs are entered into the volume access table 80

automatically during installation or replacement of a host controller. The host controller

S_ID is entered and updated automatically during each boot. The system administrator

defines the host names, for example, by sequentially assigning numbers to the hosts.

The host names are also known to the hosts, so that the relationship between each host

and the volumes assigned to the host can be re-established automatically if both the

S_IDs and WWNs would happen to change, for example as a result of host controller

replacement and a change in the configuration of the data network. In this situation, the

host controller port can transmit its corresponding group name to the storage subsystem

during a login process or in response to a request from the storage subsystem in

response to a state change notification so that the storage subsystem can reestablish

the relationship of the host controller port's volume group name and volume list with

respect to its new WWN and S_ID.").

10.   Referring to claim 2, 3, 5, 6, 8, 9, Blumenau discloses the registered computer is

a currently or previously registered computer (From line 23 of column 15, "The host

names are also known to the hosts, so that the relationship between each host and the

volumes assigned to the host can be re-established automatically if both the S_IDs and

WWNs would happen to change, for example as a result of host controller replacement

and a change in the configuration of the data network. In this situation, the host

controller port can transmit its corresponding group name to the storage subsystem

during a login process or in response to a request from the storage subsystem in

response to a state change notification so that the storage subsystem can reestablish

the relationship of the host controller port's volume group name and volume list with

respect to its new WWN and S_ID.").

11.   Referring to claim 10, Blumenau discloses the identifier for each computer is

unique (From line 17 of column 15, "The host controller port WWNs are entered into the

volume access table 80 automatically during installation or replacement of a host

controller. The host controller S_ID is entered and updated automatically during each

boot.").

12.   Referring to claim 11, Blumenau discloses a computer system comprising: a

central processing unit connected to a memory bus by a system bus; an I/O system,

connected to the system bus by a bus interface (Figures 1, 2.);

        and a routine for providing data integrity in a storage device shared by the

computer system with another computer system, the routine: registering the computer

with the shared storage device by storing in the storage device an identifier associated

with a reserved access type for the shared storage device; and upon loss of a

knowledge of the stored identifier in the shared storage device by the registered

computer, replacing the identifier for the registered computer stored in the shared

storage device with a new identifier for the registered computer (From line 16 of column

15, "The volume group names and the volumes in each volume list are defined by the

system administrator. The host controller port WWNs are entered into the volume

access table 80 automatically during installation or replacement of a host controller. The

host controller S_ID is entered and updated automatically during each boot. The system

administrator defines the host names, for example, by sequentially assigning numbers

to the hosts. The host names are also known to the hosts, so that the relationship

between each host and the volumes assigned to the host can be re-established

automatically if both the S_IDs and WWNs would happen to change, for example as a result of host controller replacement and a change in the configuration of the data network. In this situation, the host controller port can transmit its corresponding group name to the storage subsystem during a login process or in response to a request from the storage subsystem in response to a state change notification so that the storage subsystem can reestablish the relationship of the host controller port's volume group name and volume list with respect to its new WWN and S_ID.").
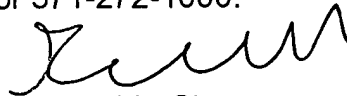
Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See notice of references cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel L. Chu whose telephone number is (571) 272-3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gabriel L. Chu
Primary Examiner
Art Unit 2114

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